

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HYPERSENSITIVE RESPONSE ELICITOR FROM PSEUDOMONAS SYRINGAE AND ITS USE**

the specification of which (check only one item below):

is attached hereto.

was filed as U.S. Patent Application Serial No. 09/120,817 on July 22, 1998 and was amended on \_\_\_\_\_ (if applicable).

was filed as PCT International Application Number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (IF PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/055,107	06-AUG-1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)  
(Includes Reference to International Applications)

ATTORNEY'S DOCKET NUMBER  
103/1741 (CRF D-2136A)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT  
UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Michael L. Goldman, Registration No. 30,727, Karla M. Weyand, Registration No. 40,223; Peter Rogalskyj, Registration No. 38,601

Send Correspondence to: Michael L. Goldman Nixon, Hargrave, Devans & Doyle LLP Clinton Square, P.O. Box 1051 Rochester, New York 14603			Direct telephone calls to: Michael L. Goldman (716) 263-1304	
201	FULL NAME OF INVENTOR Collmer	FAMILY NAME Collmer	FIRST GIVEN NAME Alan	SECOND GIVEN NAME
201	RESIDENCE & CITIZENSHIP Ithaca	CITY Ithaca	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
201	POST OFFICE ADDRESS 139 Lexington Drive	CITY Ithaca	STATE & ZIP CODE/COUNTRY New York 14850/USA	
202	FULL NAME OF INVENTOR Charkowski	FAMILY NAME Charkowski	FIRST GIVEN NAME Amy	SECOND GIVEN NAME
202	RESIDENCE & CITIZENSHIP Ithaca	CITY Ithaca	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
202	POST OFFICE ADDRESS 602 Winston Court #3	CITY Ithaca	STATE & ZIP CODE/COUNTRY New York 14850/USA	
203	FULL NAME OF INVENTOR Alfano	FAMILY NAME Alfano	FIRST GIVEN NAME James	SECOND GIVEN NAME R.
203	RESIDENCE & CITIZENSHIP Simi Valley	CITY Simi Valley	STATE/FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
203	POST OFFICE ADDRESS 1840 Suntree Lane	CITY Simi Valley	STATE & ZIP CODE/COUNTRY California 93063/USA	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Alan Collmer</i>	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE 8/25/98	DATE	DATE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HYPERSENSITIVE RESPONSE ELICITOR FROM *PSEUDOMONAS SYRINGAE* AND ITS USE**

the specification of which (check only one item below):

is attached hereto.

was filed as U.S. Patent Application Serial No. 09/120,817 on July 22, 1998 and was amended on \_\_\_\_\_ (if applicable).

was filed as PCT International Application Number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

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I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (IF PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/055,107	06-AUG-1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)  
(Includes Reference to International Applications)

ATTORNEY'S DOCKET NUMBER

03/1741 (CRF D-2136A)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

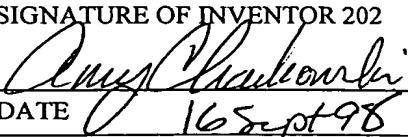
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

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201	Send Correspondence to: Michael L. Goldman Nixon, Hargrave, Devans & Doyle LLP Clinton Square, P.O. Box 1051 Rochester, New York 14603	Direct telephone calls to: Michael L. Goldman (716) 263-1304	
201	FULL NAME OF INVENTOR Collmer	FIRST GIVEN NAME Alan	SECOND GIVEN NAME
201	RESIDENCE & CITIZENSHIP Ithaca	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
201	POST OFFICE ADDRESS 139 Lexington Drive	CITY Ithaca	STATE & ZIP CODE/COUNTRY New York 14850/USA
202	FULL NAME OF INVENTOR Charkowski	FIRST GIVEN NAME Amy	SECOND GIVEN NAME
202	RESIDENCE & CITIZENSHIP Ithaca, Oakland	STATE/FOREIGN COUNTRY New York California	COUNTRY OF CITIZENSHIP United States
202	POST OFFICE ADDRESS P.O. ADDRESS 4235 Montgomery St 602 Winston Court #3 Apt E	CITY Ithaca, Oakland	STATE & ZIP CODE/COUNTRY California New York 14850/USA 94601
203	FULL NAME OF INVENTOR Alfano	FIRST GIVEN NAME James	SECOND GIVEN NAME R.
203	RESIDENCE & CITIZENSHIP Simi Valley	STATE/FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
203	POST OFFICE ADDRESS P.O. ADDRESS 1840 Suntree Lane	CITY Simi Valley	STATE & ZIP CODE/COUNTRY California 93063/USA

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SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203
DATE	DATE 16 Sept 98	DATE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
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			<input type="checkbox"/> YES <input type="checkbox"/> NO

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PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check One)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Michael L. Goldman, Registration No. 30,727, Karla M. Weyand, Registration No. 40,223; Peter Rogalskyj, Registration No. 38,601

Send Correspondence to:	Michael L. Goldman Nixon, Hargrave, Devans & Doyle LLP Clinton Square, P.O. Box 1051 Rochester, New York 14603	Direct telephone calls to: Michael L. Goldman (716) 263-1304
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2	FULL NAME OF INVENTOR	FAMILY NAME Collmer	FIRST GIVEN NAME Alan	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY Ithaca	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
1	POST OFFICE ADDRESS	P.O. ADDRESS 139 Lexington Drive	CITY Ithaca	STATE & ZIP CODE/COUNTRY New York 14850/USA
2	FULL NAME OF INVENTOR	FAMILY NAME Charkowski	FIRST GIVEN NAME Amy	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY Ithaca	STATE/FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
2	POST OFFICE ADDRESS	P.O. ADDRESS 602 Winston Court #3	CITY Ithaca	STATE & ZIP CODE/COUNTRY New York 14850/USA
2	FULL NAME OF INVENTOR	FAMILY NAME Alfano	FIRST GIVEN NAME James	SECOND GIVEN NAME R.
0	RESIDENCE & CITIZENSHIP	CITY Simi Valley	STATE/FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
3	POST OFFICE ADDRESS	P.O. ADDRESS 1840 Suntree Lane	CITY Simi Valley	STATE & ZIP CODE/COUNTRY California 93063/USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE	DATE	DATE 8/28/98

SMALL BUSINESS  
Docket No.: 19603/1741 (CRF D-2136A)

Applicant or Patentee : **Alan Collmer, Amy Charkowski, and James R. Alfano**  
Serial or Patent No. : **09/120,817**  
Filed or Issued : **July 22, 1998**  
For : **HYPERSENSITIVE RESPONSE ELICITOR FROM  
PSEUDOMONAS SYRINGAE AND ITS USE**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN : **EDEN Bioscience Corporation**  
ADDRESS OF CONCERN : **11816 North Creek Parkway N.  
Bothell, Washington 98011-8205**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **HYPERSENSITIVE RESPONSE ELICITOR FROM PSEUDOMONAS SYRINGAE AND ITS USE** by inventors **Alan Collmer, Amy Charkowski, and James R. Alfano** described in

the specification filed herewith  
 U.S. Patent Application Serial No.: **09/120,817**  
Filed: **July 22, 1998**  
 U.S. Patent No.:  
Issued:

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME : Cornell Research Foundation, Inc.  
ADDRESS : Cornell Business & Technology Park, 20 Thornwood Drive, Suite 105  
Ithaca, New York 14850

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME :  
ADDRESS :

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Jerry L. Butler  
TITLE OF PERSON OTHER THAN OWNER : President and Chief Executive Officer  
ADDRESS OF PERSON SIGNING : 11816 North Creek Parkway N.  
Bothell, Washington 98011-8205

SIGNATURE:  DATE: 11/13/98

PATENT  
Docket No.: 19603/1741 (CRF D-2136A)

Applicant or Patentee : **Alan Collmer, Amy Charkowski, and James R. Alfano**  
Serial or Patent No. : **09/120,817**  
Filed or Issued : **July 22, 1998**  
For : **HYPERSENSITIVE RESPONSE ELICITOR FROM  
PSEUDOMONAS SYRINGAE AND ITS USE**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(F) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION : **Cornell Research Foundation, Inc.**  
ADDRESS OF ORGANIZATION : **Cornell Business & Technology Park  
20 Thornwood Drive, Suite 105  
Ithaca, New York 14850**

TYPE OF ORGANIZATION :

- UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
- NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUTE:)
- WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUTE:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **HYPERSENSITIVE RESPONSE ELICITOR FROM PSEUDOMONAS SYRINGAE AND ITS USE** by inventors **Alan Collmer, Amy Charkowski, and James R. Alfano**.

described in

- the specification filed herewith.
- U.S. Patent Application Serial No. **09/120,817**, filed **July 22, 1998**.

[ ] U.S. Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME : **EDEN Bioscience Corporation**  
ADDRESS : **11816 North Creek Parkway N., Bothell, Washington 98011-8205**

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME :  
ADDRESS :

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

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NAME OF PERSON SIGNING: **Richard S. Cahoon**  
TITLE IN ORGANIZATION: **Vice President**  
ADDRESS OF PERSON SIGNING: **20 Thornwood Drive, Suite 105**  
**Ithaca, New York 14850**

SIGNATURE: Richard S. Cahoon DATE: Nov. 17, 1998

\*Cornell Research Foundation, Inc., is a Corporation which is wholly owned by Cornell University handling Patents and Licensing.